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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**

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9 **NUTRISHARE, INC.,**

10 Plaintiff(s),

11 V.

NO. 2:08-CV-01252-WBS-EFB

12 **BIORX, LLC,**

13 Defendant(s).

**ORDER SETTING STATUS  
(PRETRIAL SCHEDULING)  
CONFERENCE**

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18 This action has been assigned to the undersigned judge.

19 Pursuant to the provisions of Federal Rule of Civil Procedure 16,

20 IT IS ORDERED that:

21 1. A Status (pretrial scheduling) Conference is set for  
22 September 22, 2008 at 02:00 PM, before the undersigned judge  
23 in Courtroom No. 5. At least twenty-one (21) calendar days before  
24 the scheduling conference is held, the parties shall confer and  
25 attempt to agree upon a discovery plan, as required by, Fed. R. Civ. P.  
26 26(f).

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1 2. Pursuant to Local Rule 16-240, the parties shall  
2 submit to the court a JOINT Status Report **fourteen (14)**  
3 **calendar days** prior to the hearing date, which shall contain:

4 (a) brief summary of the claims;

5 (b) a statement as to the status of service upon all  
6 defendants and cross-defendants;

7 (c) a statement as to the possible joinder of additional  
8 parties;

9 (d) any contemplated amendments to the pleadings;

10 (e) the statutory basis of jurisdiction and venue;

11 (f) a written report outlining the proposed discovery  
12 plan required by Fed. R. Civ. P. 26(f).

13 (g) a proposed cut-off date by which all discovery shall  
14 be concluded;

15 (h) a proposed date by which all motions shall be filed  
16 and heard;

17 (i) any proposed modification of standard pretrial  
18 proceedings due to the special nature of the action;

19 (j) the estimated length of trial;

20 (k) a statement as to whether the case is related to any  
21 other case, including any matters in bankruptcy;

22 (l) any other matters discussed in Local Rule 16-240 that  
23 may add to the just and expeditious disposition of this matter.

24 3. Concurrently with the service of process, or as soon  
25 thereafter as possible, plaintiff shall serve upon each of the  
26 parties named in the complaint, and upon all parties subsequently  
27 joined, a copy of this order, and shall file with the clerk a  
28 certificate reflecting such service.

1 4. In the event this action was originally filed in a  
2 state court and was thereafter removed to this court, the removing  
3 party or parties shall immediately following such removal, serve  
4 upon each of the other parties and upon all parties subsequently  
5 joined a copy of this order, and shall file with the clerk a  
6 certificate reflecting such service.

7 5. All parties to the action shall appear by counsel (or  
8 in person if acting without counsel). A FAILURE TO APPEAR AT THE  
9 APPROPRIATE TIME WILL BE TREATED AS A FAILURE TO APPEAR AND MAY  
10 SUBJECT COUNSEL TO SANCTIONS.

11 6. In order to assist the court in meeting its recusal  
12 responsibilities, any non-governmental corporate party to this  
13 action shall submit a statement identifying all its parent and  
14 subsidiary corporations and listing any publicly held company that owns  
15 10% or more the party's stock. Such statement shall be included in  
16 the parties' Joint Status Report. If any non-governmental corporate  
17 party has no parent or subsidiary corporations or no publicly held  
18 companies owning 10% or more of its stock, it shall so state in the  
19 Joint States Report. **Failure to comply with the foregoing**  
20 **requirements of this paragraph will result in the Joint Status**  
21 **Report being stricken and such other sanctions as may be appropriate.**  
22 Thereafter, if there is any change in the information, the party  
23 shall file and serve a supplemental statement within a reasonable time  
24 after such change occurs.

25 7. In appropriate cases, and after receiving the  
26 parties' joint status report, the court may issue a Status  
27 (Pretrial Scheduling) Order without requiring a status conference.  
28 Unless the parties have received such an order prior to the status

1 conference, the parties are required to attend the status  
2 conference as scheduled.

3 DATE: June 5, 2008

4 WILLIAM B. SHUBB  
5 UNITED STATES DISTRICT JUDGE

6 by: /s/ L. Mena-Sanchez  
7 Deputy Clerk  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**NUTRISHARE, INC.,**

Plaintiff(s)/Petitioner(s),

Case No. 2:08-CV-01252-WBS-EFB

vs.

ORDER RE CONSENT  
OR REQUEST FOR REASSIGNMENT

**BIORX, LLC,**

Defendant(s)/Respondents(s).

This case was randomly assigned to Magistrate Judge Edmund F. Brennan. Without the written consent of the parties presently appearing pursuant to 28 U.S.C Sec. 636(c), a magistrate judge cannot conduct all proceedings and enter judgment in this case with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed. If a party declines to consent and the case is assigned to a district judge, the assigned magistrate judge shall continue to perform all duties as required by Eastern District Local Rule 72-302.

Accordingly, within 30 days, the parties shall complete and return this form to the court.

**IT IS SO ORDERED.**Dated: 6/5/08/s/ - Edmund F. Brennan

United States Magistrate Judge

**IMPORTANT:** You must check and sign only one section of this form and return it to the Clerk's Office within 30 days. The complaint/petition will not be reviewed by the court until plaintiff/petitioner has signed and returned this form. Note: This form must be completed and returned regardless of the choice exercised by any other party.

**CONSENT TO JURISDICTION OF UNITED STATES MAGISTRATE JUDGE**

The undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff/Petitioner ( ) Defendant/Respondent ( ) Counsel for \*

**DECLINE OF JURISDICTION OF UNITED STATES MAGISTRATE JUDGE AND  
REQUEST FOR REASSIGNMENT TO UNITED STATES DISTRICT JUDGE**

The undersigned declines to consent to the United States Magistrate Judge assigned to this case and requests random assignment to a United States District Judge.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff/Petitioner ( ) Defendant/Respondent ( ) Counsel for \*

\*If counsel of record, list name of each party responding: \_\_\_\_\_

TO:  <p style="text-align: center;"><b>Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</b></p>	<b>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING PATENT OR TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern California on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CIV. 2:08-CV-01252-WBS-EFB	DATE FILED 6/5/08	US District Court Eastern California Sacramento
PLAINTIFF  NUTRISHARE, INC.,		DEFENDANT  BIORX, LLC,
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>
1 2,615,200	September 03, 2002	Nutrishare
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In the above-entitled case the following patents(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleadings		
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>	
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In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
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CLERK	(BY) DEPUTY CLERK	DATE
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